

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30303 of 2018

Arising Out of PS. Case No.-4 Year-2017 Thana- JANDAHA District- Vaishali

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Dhirendra Kumar Dhiraj S/o Shashi Bhusan Singh, Residents of Vill.-
Bajitpur Khurd, P.O.- Mukundpur Gorahi, P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Raviranjana Bhardwaj S/o Ramnaresh Sharma, R/o Vill.- Bhikhanpura, P.O.-
Konch, District- Gaya at present Asst. Electrical Engineer, Supply Division,
Mahnar , District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar
For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 11-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Jandaha P.S. case no.
4/2017 instituted for the offence under Section(s) 467, 468,471,
406 and 420 of the Indian Penal Code.

It is submitted that this is totally a dispute of accounting.
Petitioner has deposited excess amount with the Company for
which he has also filed Money Suit vide Money Suit no. 18 of
2017 when the Company did not become ready to return the
excess amount. It is further submitted that the petitioner has
filed C.W.J.C. No. 503 of 2015 in this Hon'ble High Court for
directing the Electricity Board to refund his excess paid



amount. This Hon'ble Court on 20.01.2015 has sent the matter for Arbitration and the application was disposed of by this Court with observation that petitioner may avail the remedy as provided in Clause 32 of the Agreement.

In the F.I.R., it is alleged that petitioner, who was working as Rural Revenue Franchisee, was responsible to get meter reading, issue bill and to collect the bill amount from the consumers. It is further alleged that petitioner has collected an amount of Rs. 30,92,131.00/- as Cash, NEFT Cheque and D.D. from the consumers and he has deposited only an amount of Rs. 21,27,711.00/- only before the NBPDCCL and Rs. 9,13,420.00/- is still dues with the petitioner. It is also alleged that he has collected an amount through demand draft by 60 different consumers amounting to Rs. 6,83,246/- which is also dues with the petitioner. It is further submitted that he has deposited the amount vide Annexure -3/1 to the bail petition. It is submitted that he has filed a petition before the Executive Engineer vide Annexure-3 explaining the fact that he has deposited all the amounts collected by him by the consumers and further requested to refund the excess amount deposited by him to the tune of Rs. 21,499,78/- for which he has also filed Money Suit against the Company for refund of the aforesaid amount.



In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Jandaha P.S. case no. 4/2017, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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